

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 559A
Case No. 87-28C
(Peabody Corporation PUD and Map Amendment
Modification of PUD)
September 8, 1988

By Zoning Commission Order No. 559 dated January 11, 1988, the Zoning Commission for the District of Columbia approved an application from Malcolm E. Peabody and John C. Theoharis for a consolidated review and approval of a Planned Unit Development (PUD) and related map amendment pursuant to sections 2400 and 102 of the District of Columbia Municipal Regulations (DCMR), Title 11, Zoning.

The PUD approval was for an apartment development with some ground floor retail uses for Lots 32, 37, 38, 39, 40, 41, 816, 817, 818, 819, 820, 883 and 884 in Square 516 and related change of zoning for the entire PUD site from HR/SP-2 to HR/C-2-C. The applicants intend to construct a fourteen-story apartment building 125 feet and 6 inches in height, a gross floor area of 180,752 square feet, and a total FAR of 8.8. The project will contain a minimum of 62 on-site parking spaces and a minimum of 25 off-site parking spaces; for a total of 87 parking spaces.

Pursuant to 11 DCMR 3029.5 and by letter dated July 7, 1988, Counsel for the applicants filed a motion requesting modification of the Commission's final order No. 559 to eliminate the balconies on the project. The basis for the motion is that the elimination of the balconies would save approximately \$100,000 in construction costs and thereby make the project financially viable. The applicants further indicated that the elimination of the balconies would not have an adverse impact on the project since the majority of the balconies are located in the rear of the project overlooking the courtyard.

The Office of Planning, in a report dated July 27, 1988, recommended denial of the requested modification. The recommendation was made on the basis that the proposed balconies, while they did not count toward the recreational requirements for the project, could serve a recreational purpose for individual tenants of the building, in view of the fact that the applicants are providing only approximately one-third of the required recreation space.

On August 8, 1988, at its regular monthly meeting the Zoning Commission considered the matter and determined that the development of the PUD would be assisted materially by the economic factors associated with the elimination of the balconies.

Apart from their aesthetic merit, which the Commission intends to preserve substantially, the balconies have little utility. They would not allow space for sitting or other significant recreational use.

The Commission believes, however, that the balconies on the 5th Street and "I" Street sides of the project should remain as proposed, in order to avoid an adverse impact on the facade.

The Commission believes; that its actions are in the best interest of the District of Columbia, are consistent with the intent and purpose of the Zoning Regulations and Zoning Act, and are not inconsistent with the Comprehensive Plan for the National Capital.

The Zoning Commission further noted that Advisory Neighborhood Commission (ANC) 2C had not been served with a notice of the Applicant's requested modification dated July 7, 1988, The Commission left the record open for ANC-2C to comment on the motion for reconsideration before the Commission considered the matter for final action,

The proposed action of the Zoning Commission to approve the modification to Z.C. Order No, 559 was referred to the National Capital Planning Commission (NCPC), pursuant to the terms of the District of Columbia Self Government and Governmental Reorganization Act. NCPC, by report dated September 8, 1988 indicated that the proposed action of the Zoning Commission would not adversely affect the federal establishment or other federal interests in the National Capital nor be inconsistent with the Comprehensive Plan of the National Capital.

On September 8, 1988 at a special meeting, the Zoning Commission considered a letter dated September 8, 1988 from ANC-2C in support of the modification to the approved plans.

In consideration of the reasons set forth herein, the Zoning Commission hereby orders APPROVAL of a modification to Z.C. Order No. 559 and specially to the following:


1. eliminate the balconies in rear of the project overlooking the courtyard; and
2. the applicant shall have the flexibility to redesign the floor area of the balconies on 5th Street and I Street so that they may result in a more useable size,


Vote of the Zoning Commission taken at the public: meeting on August 8, 1988: 3-0 (Elliott Carroll, Lindsley Williams and Maybelle Taylor Bennett to approve the modification to the previously approved PUD - John G. Parsons and Patricia N. Mathews, not present not voting).

This order was adopted by the Zoning Commission at a special public meeting on September 8, 1988, by a vote of 3-0 (Elliott Carroll, Lindsley Williams and Maybelle Taylor Bennett to adopt - Patricia N. Mathews and John G. Parsons, not present, not voting).

In accordance with provisions of Section 3028 of the Zoning Regulations, this order is final and effective upon publication in the D.C. Register, that is on

30 SEP 1988


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


EDWARD L. CURRY
Executive Director
Zoning Secretariat

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